

FIRST AMENDMENT TO THE REPORT AND DECISION
ON THE APPLICATION OF DORCHESTER HOUSING
ASSOCIATES FOR THE AUTHORIZATION AND
APPROVAL OF A PROJECT UNDER MASSACHUSETTS
GENERAL LAWS (TER. ED.) CHAPTER 121A AS
AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960,
TO BE UNDERTAKEN AND CARRIED OUT BY A LIMITED
PARTNERSHIP ORGANIZED PURSUANT TO MASSACHUSETTS
GENERAL LAWS, CHAPTER 109, AND APPROVAL TO ACT
AS AN URBAN REDEVELOPMENT LIMITED PARTNERSHIP
UNDER SAID CHAPTER 121A.

On August 20, 1981, the Authority voted to adopt a favorable Report and Decision on 121A Application of Dorchester Housing Associates. The Project consists of the construction, operation and maintenance of 91 units of housing for elderly and handicapped on approximately 50,000 square feet of land in the Dorchester section of the City of Boston, fronting on Ellet Street, Adams Street and Dorchester Avenue, as more particularly shown on a location map marked Appendix I to the Application and described in a metes and bounds description in Exhibit A to the Application. The Authority reviewed at the public hearing, and incorporated with the Application, a site plan entitled "Topographic Plan of Land" prepared by R. E. Cameron & Associates, showing a Project Area of 46,532 square feet of land, and showing the metes and bounds of the Project Area.

Subparagraph J, section 6, of the Report and Decision granted permission to the Applicant to deviate from the minimum usable open space requirements so as to allow a minimum open space of 25,000 square feet for the Project.

On January 5, 1982, the Applicant submitted a request to amend the Report and Decision and Application to reflect a new metes and bounds description of the Project Area so as to contain 46,113 square feet of land all as shown on a plan entitled "Site & Utility Plan", prepared by Strekalovsky & Hoit dated January 5, 1982, and to amend the Zoning Code deviations granted to allow a minimum open space requirement of 17,500 square feet for the Project.

As numerous subdivisions were required to assemble the site and adjustments of property boundaries were necessary to superimpose such boundaries on a suitable plan for the Authority's review, a technical deviation along the south/southeast portion of the Project Area was miscalculated for a depth of ten (10) feet. This miscalculation has necessitated a realignment of the Project boundary for a distance of approximately forty (40) feet and a depth of ten (10) feet from the previous boundary line at the south/southwest corner of the Project Area.

This change in the Project Area equals a reduction of 419 square feet of land area from a previous total area of 46,532 square feet to 46,132 square feet, and represents less than a 1% change (.8%) in the Project Area. Such a reduction in the portion of the Project Area does not affect the project improvements as designed and approved by the Authority.

In order to increase the accessibility to the project structure of fire apparatus, the project plans have included a semi-circumferential fire lane of stone dust measuring 12 to 20 feet in width.

The inclusion of such an access land, which is restricted to fire apparatus only and will not be used for general vehicular access, has figuratively reduced the open space area of the Project as literally interpreted from the Boston Zoning Code. The Code defines "usable open space" as "space suitable for recreation, swimming pool, tennis court, gardens, or household service activities, such as clothes drying. Such space must be at least seventy-five percent open to the sky, free of automotive traffic, parking, and undue hazard, and readily accessible by all those for whom it is required". A restrictive and literal interpretation of this section would categorize this fire access lane as not meeting the requirements of usable open space. Additionally, since the Project Area has been decreased by only 419 square feet, the previous minimum open space requested of 25,000 square feet should be reduced to 17,500 square feet. The deviation requested will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and is therefore granted without substantially derogating from the nature and intent of the Code.

Moreover, there will be no change in the footprint of the building nor substantial changes in the parking and landscaped areas. The Project as described in the Application submitted to the Authority will not be materially affected by this .8% decrease in Project Area and technical adjustment to the open space requirements and will, as described in the Application, be a continuing public benefit and use to the citizens of the City of Boston.

In the opinion of the Chief General Counsel, this Amendment does not represent a fundamental change and does not require a public hearing. It is therefore recommended that the Authority adopt the First Amendment to the Application and Report and Decision. All future changes or deviations in the Project to that which is hereby or has been approved will require the approval of the Authority.

MEMORANDUM

January 7, 1982

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: FIRST AMENDMENT TO REPORT AND DECISION
ON THE CHAPTER 121A APPLICATION OF
DORCHESTER HOUSING ASSOCIATES

On August 20, 1981 the Authority voted to adopt a favorable Report and Decision on 121A Application of Dorchester Housing Associates. The Project consists of the construction, operation and maintenance of 91 units of housing for elderly and handicapped on approximately 50,000 square feet of land in the Dorchester section of the City of Boston.

On January 6, 1982 the Applicant submitted a request for an amendment to the Application. Due to a minor miscalculation in the Project Area of approximately 400 square feet, which footage is less than 1% of the total area, the applicant seeks to amend the zoning request for open space to accurately reflect the correct project area and correct the zoning deviation needed to carry out the Project.

In the opinion of the Chief General Counsel, this Amendment does not represent a fundamental change and does not require a public hearing. It is therefore recommended that the Authority adopt the attached First Amendment to the Application and Report and Decision.

An Appropriate Vote follows:

That the document presented at this meeting entitled "First Amendment to the Report and Decision on the Application of Dorchester Housing Associates for the Authorization and Approval of a Project under Massachusetts General Laws (Ter. Ed.) Chapter 121A as Amended, and Chapter 652 of the Acts of 1960, to be Undertaken and Carried Out by a Limited Partnership Organized Pursuant to Massachusetts General Laws, Chapter 109, and Approval to Act as an Urban Redevelopment Limited Partnership under said Chapter 121A" be and is hereby approved and adopted.

